1908-036 Chancery Causes: Elizabeth Thompson & os. Rhea Brown & Lee Co

Farmer, Commonwealth of Virginia, Carey, Burkhart

CA-Estate Dispute
T-Property
Government

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your oratrices and orator, Elizabeth Thompson, widow of Henry Thompson, deceased, and Wm. R. Thompson, Marthe J. Farmer, nee Thompson, and Emily Thompson, children and heirs at law of said decedent, would respectfully represent and show unto your honor, that the said Henry Thompson departed this life June 12th 1880, seized and possessed jointly with your oratrix, Elizabeth Thompson, of a certain tract or parcel of land lying and being in said county, in the Poor Valley, Near Hubbard Springs, adjoining the lands of Jacob Grabeel and others, containing fifty acres more or less, and which tract of land was conveyed to the said Henry Thompson, deceased, and said Elizabeth Thompson, his wife, jointly by John W. Bailey and Amy Bailey, his wife, by deed bearing date March 5th, 1875, and of record in the clerk's office of said county, in book No. 17, page 251, to which deed reference is here made for a more particular description of said land; that the said Henry Thompson, deceased, left surviving him your oratrix, Elizabeth Thompson, his widow, and Wm. R. Thompson, Martha J. Thompson, who married Buel Farmer Emily Thompson, and Sarah E. Thompson who married Rhea Brown, and who died after her said father, leaving Carrie Brown, her only child, who is now about twelve years of age, his children and heirs at law to whom his interest in said real estate descended; that the deed for said land being jointly to Henry Thompson and Elizabeth Thompson, his wife, your oratrix, the said Elizabeth Thompson, is entitled to a moiety or the said tract of land and dower in the other moiety thereof, and the moiety owned by said Henry Thompson, deceased, descended to his said children and heirs at law subject to said dower.

Now the object of this bill is to have the said tract of land partitioned among the parties entitled thereto and dower assigned to your oratrix, Elizabeth Thompson, in a moiety thereof, or a sale of the said tract of land as a whole, and the proceeds of said sale, divided among

the parties thereto according to their respective interests therein. One half of the said proceeds to your oratrix, Elizabeth Thompson, and the value of her dower interest in the other half, she being now 65~ years of age, and the residue of the last mentioned half divided equally, that is, onefourth to Wm. R. Thompson, one-fourth to Martha J. Farmer, and onefourth to Emily Thompson, and the remaining one-fourth to Carrie Brown and her father Rhea Brown, who is entitled to a life interest in the said last mentioned one-fourth, and he now being 32 years of age, and your complainants further represent and state that the said fifty acres of land, is poor and in bad state of cultivation, and with very little improvments thereon, and they are willing, and here alledge that it will be to the interest of all parties concerned, and especially the said infant, that the said tract of land be sold and the proceeds divided among the parties entitled thereto, and the share of the infant kept at interest until she arrives at the age of twenty-one years. And that the costs of this suit be paid out of the said proceeds, including a fee of $20.00 to Orr & Noel, attorneys for Plff.

The prayer therefore of your complainants is that the said tract of land be sold and the proceeds divided as above indivated, To this end they make the said Rhea Brown and Carrie Brown, an infant, the parties defendants to this bill, and ask that they be required to answer the same, but not under oath that being waived; that a Guardian Ad Litem be appointed to appear and answer for said infant, and that upon a hearing the relief above prayed for, together with all such other further and general relief as they may be entitled to. And your complainants will ever pray. &c.

Orr & Noel, S.C.

Elizabeth Thompson et al.

vs } Bill in Chancery.

Rhea Brown et als.

1907 2nd Nov. Rules
Bill filed, Spa.
executed on Rhea
Brown, dult deft
and D. & N. as to him
" 1st Dec. Rules
D. N. confirmed,
Ans. G. A. L. filed
Ans Rhea Brown
filed & Cause set
for hearing.

Costs

Clerk,	4.19 Rd.
Part	1.50 Rd.
G. A. L.	5.00 Rd.
Wit	.50 Rd.
N. P.	1.50 Rd.
Atty	15.00 Rd.
	$27.69
Est costs	5.00
	$32.69
Add for	5.00 Rd.
	$37.69

To the Honorable H. A. W. Skeen, Judge of the Circuit Court of Lee County, Virginia.

Your petitioner, the Commonwealth of Virginia, respectfully represent and show unto your Honor that at the September term of the County Court, 1892, had obtained two judgments against W. R. Thompson, which are recorded in the order book of the said County Court, on page 349, and copies of said judgments are here filed, marked (1) and (2). One of said judgments is for a fine of $20.00 and $24.38 costs. The other said judgment is a fine of $20.00 with $26.79 costs. No part of either said judgments have ever been paid. Said judgments have been duly docketed in the judgment lien docket of the County Clerk's office and are subsisting liens on all the real estate, that said W. R. Thompson may own in Lee County, Virginia.

Your petitioner alleges that the said W. R. Thompson owns an interest in a tract of land, situated in Lee County, near Hubbard Springs, as one of the children and heirs al law of Henry Thompson, deceased.

Your petitioner alleges that there is now pending in the Circuit Court of Lee County, Virginia, a chancery suit, the style of which is Elizabeth Thompson against Rhea Brown et al, the object of which is to partition and sell the said lands and divide the proceeds of sale among those entitled thereto.

Your petitioner alleges that said lands have been sold and that there is ~~something like $25.00~~ $26.42 in the hands of James W. Orr, Commissioner, due to the said W. R. Thompson.

Your petitioner alleges that by reason of his judgments being a lien against the interest of said Thompson, in said land, the same should be paid by the Commissioner to the Commonwealth of Virginia, to make the title good

to the purchaser.

Your petitioner prays that he may be allowed to file this petition in said cause and prays that ~~said~~ a decree ~~petitioner~~ may be entered, directing James W. Orr, Commissioner, to pay the money, belonging to W. R. Thompson, to the Commonwealth, on the said judgments. And if necessary, the said W. R. Thompson be made a party defendant to this partition and answer the same, but not on oath, that being waived.

Your petitioner is advided that said W. R. Thompson is a non-resident of the State of Virginia, and he prays for all other and further relief generally, that the nature of his case may require or to equity seem meet.

And he will ever pray &c.

Wm. L. Ely.
Attorney for Commonwealth.

Commonwealth

vs. } Petition

W. R. Thompson

Filed May 4th 1908.

H. C. P. Ewing,

Clerk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Lee,

to-wit:

THE ANSWER OF Carrie Brown, an

infant under the age of twenty-one years, by M. G. Ely,

guardian *ad litem*, assigned to defend her in this suit, to a bill of complaint exhibited against her and others in the Circuit Court for the County of Lee, by Elizabeth Thompson and others.

The respondent, reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that she is an infant of tender years, and by reason of such disability she is incapable of understanding, or of taking care of her rights and interests, she therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with her reasonable costs, in this behalf expended; and she will ever pray, &c.

M. G. Ely. Guardian *ad litem*.

p. d.

County of Lee } ss.

This day, M. G. Ely, whose name is signed to the foregoing answer, personally appeared before me, H. C. Joslyn a Justice and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 23rd day of Nov, 1907

H. C. Joslyn J. P.

Form No. 35.

Rhea Brown et al.

adv. } ANSWER OF INFANT DEFENDANT.

Elizabeth Thompson et al.

Filed Nov. 23, 1907.
H. C. T. Ewing.
Clerk.

G. A. L. Fee $5.00

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

The answer of Rhea Brown to a bill filed in this honorable court against him and another by Elizabeth Thompson, et al, for answer thereto, this respondent stated that the facts in reference to the tract of land in the bill mentioned and as to the ownership thereof, and the heirs of Henry Thompson, deceased, are correctly stated and set forth in said bill.

And the interest of the parties on said tract of land are likewise correctly set forth in said bill. And your respondent suppose it is true as set forth in said bill that he is entitled to a like interest in the share of the said land that decended to his wife, Sarah E. Thompson, deceased, but this respondent is perfectly willing and desires that the value of his wife's said share in said tract of land, when the same is sold, be decreed to their infant child, Carrie Brown, and that the money derived therefrom be kept at interest for her until she arrives at the age of twenty-one years, and he claims no interest whatever in said share or funds. Your respondent admits and believes it to be true that it will be to the best interest of all parties concerned that the said tract of land be sold as a whole, and the proceeds devided among the parties entitled thereto, according to their respective interests, and he joins in the prayer of the plaintiffs, asking that the same be done. The said tract of land is not productive land, and is considerably worn, and to partition the same into small portions to each would not be valuable to any, and Mrs. Thompson being the owner of the greater portion thereof and desiring that the same should be sold he thinks it would be to the interest of all concerned that this be done.

And now, having answer he prays to be hence dismissed with his reasonable cost. But he thinks the cost of the suit and the expense of sale should be first paid out of

the proceeds of the sale, and the residue divided as above indicated.

Orr & Nael. for Deft.

Rhea Brown

ads } Ans

Elizabeth Thompson et al

Filed at 1st Deer
Rules 1907.

Pennington Cap Co 12

Mr James W Ore.

Jonsville Ga.

Dear Sir I have recived your letter will say that I am willing for you to file my answer, consenting to a sale of the land all I want is for my child to recive her part I do not clame any myself my age is 82 years last September 15th

Yours Respt

Ray Brown

Ray Brown.

Letter

Elizabeth Thompson, et al, Plaintiffs.

vs. In Chancery

Rhea Brown, et als, Defendants.

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This cause came on to be heard upon the papers formerly read in the cause, and the report and deed of James W. Orr, Commissioner, filed in the cause April 22nd, 1908, and the petition of the Commonwealth of Virginia, filed in the said cause by M. G. Ely, Attorney for the Commonwealth of Lee County, Virginia, May 4", 1908 and was argued by counsel. And the said report of James W. Orr, commissioner, and the deed therewith to Patton Grabeel, being unexcepted to it is adjudged, ordered and decreed that the same be and are hereby approved and confirmed. And it appearing to the court from said report that there remains in the hands of the said commissioner the sum of $26.42 due to Wm. R. Thompson as his share of the proceeds of the sale of the tract of land sold by said commissioner in this casue, and it further appearing to the court from the said petition of the Commonwealth that there are certain judgments for fines and costs adjudged against the said Wm. R. Thompson in the county court of this county, which certain judgments amount to more than the $26.42, and that the said judgments have been duly docketed in the judgment lien docket for said county, and have become liens upon the undivided interest of the said Wm. R. Thompson in said tract of land. It is adjudged, ordered and decreed that said James W. Orr, commissioner, as aforesaid, do pay to clerk of this court to be credited on the said judgments, the said sum of $26.42 in his hands due to the said Wm. R. Thompson, which payment when made shall be a protection to Patton Grabeel, the purchaser of the said tract of land, in freeing the said tract of land from the liens of said judgments, and the said commissioner having made said payment and reported the same to this court, the action of the said commissioner is hereby approved and confirmed. And the said land in the hands of the said purchaser shall hereafter be free from the

and it is ordered that M. Y. Elgatty for commonwealth be paid $10.00 for filing said petition

liens of said judgments. And it is ordered that the said Patton Grabeel, purchaser of the said tract of land, have leave to withdraw the said deed from James W. Orr, Commissioner, from the papers of this cause for recordation, and that he pay to said commissioner, Orr, the sum of $5.00 for making said deed, for which execution may issue. And on motion of Patton Grabeel, ~~an~~ it is order that a writ of possession be and the same is hereby awarded him upon his application to the clerk of this court, therefore, to cause him to have the possession of the tract of land purchased by him as aforesaid.

And nothing further remaining to be done in this cause the same is order to be stricken from the docket.

Eligabeth Thompson
vs Decree No.
Ahed Braun et al.

Entered in C.O.B.
#8, page 362 &c

Enter this Decree
H A W Shaw
May: 4 1908.

VIRGINIA, In vacation of the Circuit Court of Lee County, at Big Stone Gap, on the 11 day of February, 1908.

Elizabeth Thompson, et al, Plaintiffs.

vs. In Chancery?

Rhea Brown, et als, Defendants.

Upon the written consent and request of the adult parties to this suit by James W. Orr, their attorney, and Carrie Brown the infant defendant by M. G. Ely, her Guardian Ad Litem, this cause came on to be heard, in vacation, on the 11 day of February, 1908, before the undersigned Judge of the Circuit Court of Lee County, Virginia in Big Stone Gap, Virginia, upon the papers formerly read in the cause and the report of sale of the tract of land in the bill and proceedings mentioned by James W. Orr, Commissioner, filed in the cause February 10th, 1908. and was argued by counsel.

On consideration thereof, and the court being of the opinion that the said sale of the tract of land in the bill and proceedings mentioned has been made by said commissioner at a fair price and that it is to the interest of all parties concerned, that the said sale be at once confirmed, and it appearing to the court from the report of said commissioner that the purchase money for the said tract of land has been fully paid by the purchaser, and is now in the hands of said commissioner, ~~and~~ it is adjudged, ordered and decreed that the said report and the said sale be and the same are hereby approved and confirmed. And that said commissioner pay to those entitled the costs of the suit including a fee of $20.00 to Orr & Noel, Attorneys, for plaintiffs, and said commissioner will retained in his hands his commission on said sale, and that he pay out the residue of said sum in his hands to the widow and heirs of Henry Thompson, deceased in the proportions set forth in his said report, that is, that he pay to Elizabeth Thompson, as such widow and ~~she being~~ joint owner with her deceased husband, Henry Thompson, of the said tract of land, the sum of $141.64; to Wm. R. Thompson, $26.42; to Martha J. Farmer $26.42, to Em-ily Thompson $26.42, and Carrie Brown, the infant defendant $26.42, which said last mentioned sum according to the

suggestion made by the commissioner in his said report be paid by said commissioner to Rhea Brown, father and next friend of the said infant.

Said commissioner will execute and deliver to Patton Grabeel the purchaser of said land, a proper deed with covenants of special warranty as to himself, but with general warranty as to the said widow and heirs of Henry Thompson, deceased, for said land. And report his action hereunder to the next term of the court. And the cause is continued.

H. A. W. Skeen

Judge

Elizabeth Thompson et al.
vs Decree No 2.
Rhea Brown et als.

H. C. T. Ewing Clerk
will enter this
Decree
H. A. W. Skeen
Judge

Entered in C.O.B.
No. 8, page 357 etc.

Elizabeth Thompson, et al, Plaintiffs

vs. In Chancery

Rhea Brown, et al, Defendants.

This cause came on to be heard upon the bill of the plaintiffs, and answer of Rhea Brown, the adult defendant, with replication thereto, the answer of the Infant defendant, Carrie Brown, by M. G. Ely, her Guardian Ad Litem, & replication thereto and the depositions of witnesses, and was argued by counsel.

On consideration thereof, and the court being of the opinion from the pleadings and the evidence in the cause, that it will be to the interest of all parties concerned, and especially the infant defendant, that the tract of land in the bill mentioned be sold as a whole, and the proceeds derived therefrom, after the payments of the costs of this suit and the expense of sale, divided among the parties thereto according to their respective interests in said land, ~~and that this will be to the interest of the infant defendant~~. And that the rights of no person or persons will be predjudiced by the sale of the said interest of the said infant in said tract of land. It is adjudged, ordered and decreed that James W Orr, who is appointed a commissioner for the purpose, do proceed to sell at the front door of the court house of this county, to the highest bidder, on a credit of six and twelve months time, the said tract of land in the bill mentioned, having first advertised said sale for at least thirty days by written advertisments posted at the said court house door, and in the vicinity of said land, and after having executed bond before the clerk of this court in the penalty of $500.00 conditioned according to law. Said commissioner at said sale will require the costs of this suit and the commission on said sale to be paid in hand, and for the deferred payments he will take bonds from the purchaser with good security bearing interest from date. He will report his action hereunder to some future term of the court. And the cause is continued.

Elizabeth Thompson et al.
vs } Decree No 1.
Rhea Brown et als.

Entered in C.O.B.
No. 8, page 342 &c.

Enter this Decree.
H A W Shea

Decr 4 1907.

The depositionsøgf H. N. Covy ~~W. C. Burkhart~~ taken at the law office of James W. Orr in Jonesville, Virginia, on the 3rd day of December, 1907 ~~by consent of parties~~ before the undersigned Notary Public, to be read as evidence in a certain chancery cause pending in the Circuit Court of Lee County, in which Eliabeth Thompson, et al, are plaintiffs and Rhea Brown, et als, defendants.

James W. Orr Counsel forPlff

PRESENT. and for the deft.

Rhea Brown.

M. G. Ely, Guardian ad Litem for Carrie Brown the infant defendant.

The said H. N. Covy a witness of lawful age and being duly sworn deposes and says:

Q. Please state your age, residence and occupation.

A. I am 54 years old, live near Hubbard Springs, and am a farmer

Q. Are you acquainted with the parties to this suit, and with the tract of land owned by Henry Thompson, deceased, and the plaintiff Elizabeth Thompson, and on which the said Elizabeth Thompson now resides?

A. I am acquainted with the tract of land and have known it some twenty five years, have lived within about a mile of it forty or fortyfive years, and am acquainted with the parties to this suit.

Q. What kind of land is it as to quality improvements &c.

A. It lies mostly in the Poor Valley and on the stone mountain, a small portion on the north side of Poor Valley Ridge, it is like most all Porr Valley land, thin land, and has been considerably worn, there is, I think, a small log house on the land in which Mrs. Thompson lives, and no other improvements to amount to anything, and the place going down or depreciating in value.

Q. Please state whether or not in your opinion it would be to the

interest of the parties concerned, ~~fax this xtract xf land~~ and especially the infant defendant, for this tract of land to be sold as a whole and the proceeds divided between the parties according to their respective interests.

A. I do think it would be to the interest of the parties owning the land, that the tract be sold and the proceeds divided between them according to their interests. I think this is especially so in regard to the infant, and I think the right of no one would be prejudiced by such a sale, and I am informed that the adult parties all desire that the tract be sold as a whole.

And further this deponant saith not.

Witness 1 day 50 cts. H. H. Covey

N. C. Burkhart another witness of lawful age being duly sworn deposes and says:

Q. Please state your age, residence , occupation or calling.

A 64 years, live near Hubbard Springs, farm some, and am a minister of the M. E. Church, and have been for thirty years.

Q. Are you acquainted with the parties to this suit, and with the tract of land in the bill mentioned on which the plaintiff Elizabeth Thompson now resides?

A. I am acquainted with the parties and with the land referred to, have known it for about forty years, and have lived near it for that length of time.

Q. What kind of land is it as to quality, improvements &c.

A. There is about twenty acres of the tract cleared and it is considerably worn, the valuable timber has been taken off, and it is thin land. There is a small boxed up house in which Mrs. Thompson lives, and then there is a log house, small, used perhaps for a stable.

Q. State whether or not you think it would be to the interest

of the parties owning said land, and especially the infant, to have the tract sold as a whole and the procedds divided among the parties entitled thereto rather than to partition the land and xhold the same in parcels

A. I do think it would be to the interest of all parties to sell it as a whole, and especially the infant, and that the rights of no one will be prejudiced by such a sale, and especially as I am informed that all the adults desire a sale as a whole.

And further this deponant saith not.

C. L. Burkhart.

Virginia, Lee County, to-wit:

The foregoing depositions of H. N. Covy and N. C. Burkhart were duly taken, subscribed and sworn to before me at the time and place and for the purposes in the caption mentioned.

Given under my hand this Dec. 3rd, 1907.

A. A. Brocen. N.P

Elizabeth Thompson et al

vs

Dehart

and

Rhea Brown et al

Filed Dec 3rd 1907.

W. C. D. Ewing,

Clerk.

Notary Fee $1.50

Witness-H. N. Coney. .50

Elizabeth Thompson, et al, Plaintiffs .

vs. In Chancery

Rhea Brown, et als, Defendants.

The undersigned commissioner in this cause respectfully reports, that pursuant to the decree rendered therein on the 9th day of December, 1907, he proceeded at the front door of the court house of this county on the 6th day of February, 1908 to sell to the highest bidder on the terms prescribed in said decree, and after advertising as in said decree directed, the tract of land in the bill mentioned and ordered to be sold by said decree, at which sale, after considerable bidding, the said tract of land was knocked off to Patton Crabeel at his bid of three hundred dollars $300.00, the same being the highest and best bid offered. The said purchaser paid to your commissioner the full amount of his said bid, preferring to pay the same in cash to executing notes for the deferred payments. And your commissioner has in his hands the said sum of $300.00 subject to the order of the court. After deducting from the said purchase price the sum of $37.69, cost of suit and $15.00 commission on sale, leaves the sum of $247.31 going to the heirs and widow of Henry Thompson, deceased, and as alledged in the bill, and which is not controverted, the plaintiff, Elizabeth Thompson, who is the widow of Henry Thompson, deceased, is entitled to one -half of the net proceeds of the sale of said tract of land, she being the joint owner with her said husband of the said tract, and this one-half amounts to $123.65, she is also entitled to the value of her dower interest in the other onehalf, and she being 65 years of age, I have ascertained according to the annuity table in Pollard's Code, that her said interest in the other half amounts to $17.99 making $141.64 to which she is entitled out of said net fund, and when this sum is deducted from said net fund of $247.31 leaves the sum of $105.67 to be equally divided between the heris of the said Henry Thompson, deceased, and which will give to Wm. R. Thompson $26.42, Martha J. Farmer $26.42, Emily Thompson $26.42, and Carrie Brown the infant child

of the defendant Rhea Brown, $26.42, the said Rhea Brown having in his answer waived all right to any part of said fund which may be coming to his said child.

And your commissioner respectfully suggest that your honor direct the said sum of $26.42 due to said infant to be paid by your commissioner to the said Rhea Brown, the father of the said infant, to be expended by him for thebenefit of the said infant, who is of tender age.
If this report is confirmed, the said purchaser will be entitled to a deed at once to said land, he having paid the purchase price, and the sale having been made for a fair price, should be confirmed.

James H Orr
COMMISSIONER

Elizabeth Thompson et al

vs } Comr's Report of Sale;

Rhea Brown et als.

Filed Feb 10th 1908.

H. C. T. Ewing,
Clerk.

Elizabeth Thompson, et al, Plaintiffs.

vs. In Chancery

Rhea Brown, et als, Defendants.

The undersigned commissioner in this cause respectfully reports that pursuant to the decree rendered therein on the 4th dayn of May, 1908, he had paid to H. C. T Ewing, clerk of the Circuit Court of Lee County, Virginia, the sum of $26.41, which was in his hands due to Wm. R. Thompson from the sale of the real estate of Henry and Elizabeth Thompson, sold in said cause, to be applied by the said clerk as a credit on judgments in favor of the Commonwealth of Virginia mentioned in the petition of the said Commonwealth filed in the cause May, 4th, 1908. against the said Wm. R. Thompson.

James W Om—Comr.

Elizabeth Thompson et al

vs

Comm'rs Report of payment to Clerk.

Fred Braun et al.

Filed May 4th 1908.

W. C. P. Ewing,

Clerk.

Elizabeth Thompson, et al, Plaintiffs

vs. In Chancery

Rhea Brown, et als, Defendants.

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The undersigned commissioner in this cause respectfully reports that pursuant to the decree entered in the cause in vacation on the 11th day of February, 1908, he has paid to those entitles the cost of the suit in his hands as such commissioner, and of the funds arrising from the sale of the land in the bill mentioned, which sale was confirmed by said decree of February 11th 1908, he, on the 13th day of February, 1908, paid to Elizabeth Thompson $141.64, to Martha J/ Farmer, $26.42, to Emily Thompson, $26.42 to Rhea Brown, father and next friend of Carrie Brown, an infant the sum of $26.42, leaving the sum of $26.42 in your com missioner's hands due to Wm. R. Thompson. Your commissioner has not paid this last mentioned su m to the said Wm. R. Thompson, because he has been informed by the attorney for the Commonwealth for this county, that there are some judgments docketed in the clerk's office of said county in favor of the Commonwealth against the said Wm. R. Thompson for fines and costs amounting to a sum greater than the said $26.42, and your commissioner was of the opinion that in justice to the purchaser of the said land and for fear that the said judgments might be a lien on the interest of the said Wm. R. Thompson in the said tract of land that might be enforced to the detriment of the said purchaser, he has held the said amount in his hands for the further direction of the court in regard to what he shall do with the said sum of money, and he respectfully asks your honor to give him such direction as will be proper in the premises at the next term of the court.

Your commissioner as directed in said decree of February 11th, 1908 has executed to Patton Grabeel the purchaser of the said

tract of land a proper deed with covenants of special warranty as to himself , and ~~a~~ with general warranty as to the said widow and heirs, for the said tract of land, which deed is herewith filed as part hereof marked "Deed"

James W Orr
COMMISSIONER

Elizabeth Thompson et al

vs } Comr Report No 2.

Rhea Brown et al.

Filed April 22" 1908.

H. C. D. Ewing

Clerk

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

The undersigned plaintiffs and defendants in a certain chancery suit in your honor's courtin which Elizabeth Thompson, Wm. R. Thompson, Martha Farmer, Emily Thompson are plaintiffs, and Rhea Brown and Carrie Brown are defendants, hereby consent and request that your honor, in vacation, will at once enter a decree in said cause confirming the sale of the fifty acre tract of land sold in said cause by James W. Orr, Commissioner on the 8th day of February, 1908, and direct said commissioner to disburse the funds in his hands derived from said sale as shwon by his report, filed in the cause February 10th, 1908. We consider that the sale was made at a fair price, and as some of us are very ansious to leave this County and go west we are anxious to receive our respective portions of the proceeds at once.

February, 10th, 1908.

Respectfully,

Elizabeth Thompson.
Wm R Thompson.
Martha Farmer
Emily Thompson.
Rhea Brown.
By James W Orr their atty.
M. J. Ely Guardian ad litem
for Carrie Brown.

Elizabeth Thompson et al.

vs. Consent &c.

Obed Brown et als.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rhea Brown & Carrie Brown, The last an infant,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in November, 1907, to answer a bill in chancery exhibited against them by Elizabeth Thompson, Wm R. Thompson, Martha J. Farmer, nee Thompson, and Emily Thompson,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 8th day of November, 1907, and 132nd year of the Commonwealth.

A Copy, Teste: H. C. T. Ewing, Clerk

_____, Clerk

Stapleton

Nov 13

Elizabeth Thompson, et al,

VS { SUBPŒNA IN CHANCERY

Rhea Brown, et al,

Orr & Noel, p. q.

To 2nd Nov. Rules

Lee Circuit Court

1907.

Executed on the 13th day of Nov 1907 by delivering a true copy of the within summons to Rhea Brown in Lee Co. Va

E S Stapleton D. S for

P. M. Ball
S. L. C